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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,554	03/03/2002	Nobuyuki Kanno	FY16758PCTUS	3695

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EXAMINER

PHAN, HAU VAN

ART UNIT

PAPER NUMBER

3618

DATE MAILED: 02/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/009,554

Applicant(s)

KANNO, NOBUYUKI

Examiner

Hau V Phan

Art Unit

3618

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 28/01/2002 has been considered.

### ***Acknowledgment***

3. The preliminary amendment filed on 3/3/2002 has been entered.

### ***Specification***

4. The specification is objected to because on pages 2-4 of the specification, the reference to claim numbers is improper. The reference thereto should be cancelled. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

5. Claims 1-6 are objected to because of the following informalities: Claim 1, line 6, "a ring said gear element" should be replaced with --a ring gear element --. Appropriate correction is required.

Art Unit: 3618

6. In claim 5, line 1, the recitation "wherein coupling element" should be -- wherein said coupling element --.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1, the phrase "another of said planetary gear mechanism elements being in driving relation with said wheel and a coupling element for selectively retaining still another of said planetary gear mechanism elements against rotation" is not clear. Is ~~it~~ "another said planetary gear mechanism elements the same as a planetary gear mechanism."?

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-6 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Alber (5,246,082).

611  
2/14/03

Alber in figures 1 and 4-5 discloses a small vehicle for rolling chair comprising a frame (not shown), a wheel (not shown), an electric motor (65) having an output shaft (35) and a transmission for selectively driving the wheel from the electric motor output shaft. The transmission comprises a planetary gear mechanism having a sun gear element (38), at least one planetary gear element (39) meshing with the sun gear (figure 1). Alber also discloses a ring gear element (12) meshing with the planetary gear element and a carrier plate element (37) supporting planetary gear element for rotation. The output shaft driving one of the planetary gear mechanism elements. Alber further discloses another driver toothed disc (45) connected with the planetary gear element (37) for permitting rotation thereof for selectively driving the wheel from the output shaft of the motor or permitting the running wheel can be driven manually relative to the output shaft.

Regarding claim 2, Alber discloses the output shaft (35) connected to the carrier plate element coaxially with the axis of the plate element (figure 1), a wheel gear fixed inside cylindrical surface of the wheel driven by an output gear formed on the transmission output shaft (figure 2). The motor output shaft and the transmission output shaft are disposed coaxially (figure 1).

Regarding claim 3, Alber discloses a section of wheel (another section of the wheel is the same) driven by a respective motor and planetary gear mechanism mounted on the wheel, an operation mechanism mounted on the vehicle frame and a transmission system for transmitting the action of the operation mechanism simultaneously to both coupling elements of the planetary gear mechanism (figure 4).

Regarding claim 4, Alber in figure 1 shown the output shaft drives the sun gear element (figure 1).

Regarding claim 5, Alber in figure 1 shown the carrier plate (37) coupled to the wheel.

Regarding claim 6, Alber in figure 1 shown the ring gear element (12) permitted to rotate the planetary gear mechanism element (figure 1).

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hapeman et al. disclose a motorized wheel brake system, Jeffries et al. disclose a shifting mechanism and quick release for multispeed wheelchair, Finch et al. disclose a power operated wheelchair, Blume discloses a transmission, Edmondson discloses a personal transporter, Kano et al. disclose a manual electric wheelchair, Ishida discloses a motor driven vehicle, Nakanosono discloses a wheel hub electric motor, Uchiyama et al. disclose a power assisted wheelchair.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V Phan whose telephone number is 703-308-2084. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson can be reached on 703-308-0885. The fax phone numbers

Art Unit: 3618

for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

HP *HP*  
February 13, 2003

*Brian L. Johnson*  
BRIAN L. JOHNSON  
SUPERVISOR  
TECHNOLOGY CENTER 8800 2/19/03